

REMARKS

Remaining Claims

Claims 19 and 20 have been cancelled. Claims 21-28 are withdrawn as being drawn to non-elected species. Claim 14 has been amended to more clearly point out and distinctly claim the invention. After these amendments are entered, thirteen (13) claims (Claims 14-18 and 21-28), including withdrawn claims (claims 21-28), remain pending in this application through this Amendment.

Drawings and Specification

First, Applicants wish to thank the examiner for his suggested amendment regarding the Drawing and specification.

Applicants have amended the positive citations as following: "a back surface 11" and "a front surface 12", as suggested by the examiner. Applicants believe now that with such positive citation, no new matter has been introduced. Applicants respectfully request withdrawal of this objection.

Rejections under 35 U.S.C. §102

Claims 14-20 were rejected under 35 U.S.C. 102(b) as being anticipated by Everhart et al. (US 6,060,256). The rejection over claim 19 and 20 is moot in view of cancellation of these two claims. For the following reasons, the Examiner's rejection over claims 14-18 is respectfully traversed.

Applicants respectfully submit again that the cited reference does not disclose nor teaches anything about **molecular** imprints for an analyte of interest distributed **within** a contact lens.

First, it is true that Everhart et al. mentioned, only once, the word "imprinting" (col. 7, lines 25-27). However, the word "imprinting" in Everhart et al. was used to modify the word "methods" and was referring to technologies well known in the printing art for **printing a diffraction pattern of the receptive material on a substrate** (col. 7, lines 14-65). The Webster's New World College Dictionary", 4th Edition (2000) defines "imprint" as: "1. to mark by or as by pressing or stamping; impressing [to imprint a paper with a seal] 2. to make (a mark or impression) by pressing ..." [emphasis added]. Thus, a person skilled in the art will understand that the phrase "imprinting methods" means processes (or

techniques) in which marks or impressions is made by pressing or stamping onto a substrate.

Second, the teaching of Everhart et al. manifests unambiguously that the meaning of such word “imprinting” (without modification of the word “molecular”) does not depart from its traditional meaning as defined in the dictionary, but instead is totally consistent with the definition of this word in the dictionary. For example, Figure 3 (Everhart et al.) illustrates clearly such imprinting process involving **pressing or stamping** to make marks or impressions **on** a metal layer on a plastic substrate. Further, the text (col. 7, lines 21-34) cited by the examiner is related only to teach how “the receptive material may be passively adhered to the attachment layer in a pattern that will produce a diffraction pattern” (col. 7, lines 14-16) or how to “utilize methods of contact printing patterned monolayers **on metallized films**” (col. 7, lines 57-61). In addition, the meaning of the word “imprinting” must be construed in the context of Everhart et al. The cited reference (Everhart et al.) states, on col. 7, lines 21-34 (the paragraph containing the word “imprinting”),

A wide range of **techniques** can be used to adhere the receptive material to the attachment layer in a pattern that, when bound to the analyte of interest, forms a diffraction pattern when light is transmitted through attachment layer. Test surfaces may be coated with receptive material by application of solution in discrete arrays or patterns; spraying, ink jet, or other **imprinting methods**; or by spin coating from an appropriate solvent system. The technique selected should minimize the amount of receptive material required for coating a large number of test surfaces and maintain the stability/functionality of receptive material during application. The technique **must** also apply or adhere the receptive material to the attachment layer in a very uniform and reproducible fashion.

In this context, the word “imprinting” clearly modifies the word “methods” and does not have any meaning other than what is defined in the dictionary or taught in Everhart et al.

Third, there is no phrase “molecular imprint”, “molecular imprints”, or molecular imprinting” which can be found in Everhart et al. (Applicants searched the patent on US PTO website and did not get any hits). The patterned monolayers obtained by “imprinting methods” on metallized films in Everhart et al. definitively are not molecular imprints by any stretch of imagination. As described by the Applicants in the specification (page 17, the first paragraph), molecular imprints in a polymer are prepared by first curing a polymerizable composition including an analyte of interest (i.e., template or ‘imprint’ molecules) to form a polymeric article and then extracting the analyte out of the formed polymeric article. In another word, molecular imprints are **molecular cavities** (i.e., with the molecular size of the analyte) which are created after removing the template molecule, are complementary in shape and functionality to the template molecule, and

can bind molecule identical to the template. In contrast, Everhart et al.'s patterned monolayers obtained by "imprinting methods" on metallized films are **not molecular cavities** but receptive materials which are adhered to an attachment layer in a pattern. Everhart et al., the receptive materials imprinted on a metallized film must not be removed as taught by Everhart et al. Otherwise, Everhart et al.'s patterned monolayers cannot bind any analytes.

Fourth, Everhart et al. does not contain an enabling disclosure about a contact lens including molecular imprints. To constitute an anticipatory reference, the prior art must contain an enabling disclosure. *Chester v. Mller*, 906 F.2d 1574, 1546 n.2, 15 U.S.P.Q.2d 1333, 1336 n.2 (Fed. Cir. 1990); see also *Titanium Metals Corp. of Am. V. Banner*, 778 F.2d 775, 781, 227 U.S.P.Q. 773, 778 (Fed. Cir. 1985); *Scripps Clinic & Research Found. V. Genetech, Inc.*, 927 F.2d 1565, 1578, 18 U.S.P.Q.2d 1001, 1011 (Fed. Cir. 1991). Everhart et al. is totally silent about molecular imprints, does not appreciate molecular imprints, and as such, have not placed themselves and the public in the possession of the invention as currently claimed by applicants.

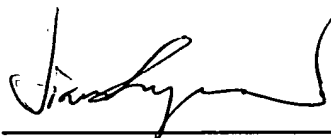
In sum, since the cited reference does not disclose all of the limitations of the invention as currently claimed, it does not anticipate the invention as currently claimed, or in alternative, render the invention obvious. Applicants respectfully request withdrawal of this rejection.

CONCLUSION

In view of the foregoing and in conclusion, the Applicant submit that the rejections set-forth in the Office Action have been overcome, and that all pending claims are now in condition for allowance.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,



Jian S. Zhou
Reg. No. 41,422
(678) 415-4691

Date: Feb. 12, 2007

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080